

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Jon M.,

No. 6:18-cv-02145-HZ

Plaintiff,

ORDER

v.

COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,

Defendant.

HERNÁNDEZ, District Judge:

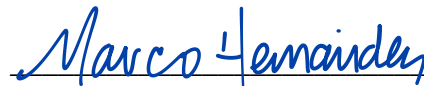
Plaintiff Jon M. brought this action seeking review of the Commissioner's final decision to deny Supplemental Security Income and Disability Insurance Benefits. On December 12, 2019, pursuant to the parties' stipulated motion, the Court reversed the Commissioner's decision and ordered that the case be remanded for additional proceedings. Order, ECF 17. Judgment was also entered on December 30, 2019. ECF 19. On September 3, 2020, Plaintiff's counsel received notice of Plaintiff's award for benefits. Pl. Mot. Ex. A, ECF 23.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Pl. Mot., ECF 23. Defendant has no objection to the request. *Id.* The Court has reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds the requested fees reasonable.

The Court GRANTS the motion [23] and awards Plaintiff's counsel \$4,734.90 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney's fees in the amount of \$6,251.55 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. However, the EAJA fee award was garnished to pay Plaintiff's federal debt. When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to send Plaintiff's attorney the balance of \$4,734.90 less any applicable processing fees as allowed by statute. Any amount withheld after all administrative and court attorney's fees are paid should be released to Plaintiff.

IT IS SO ORDERED.

Dated: December 31, 2020.



Marco A. Hernández
United States District Judge